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May 25, 2007

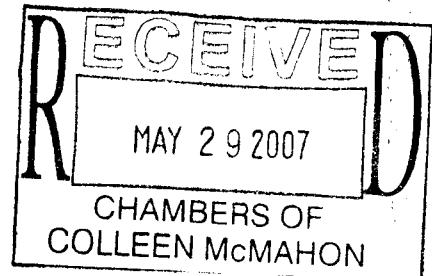
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Honorable Colleen McMahon
 United States District Judge
 United States Courthouse
 300 Quarropas Street, Room 533
 White Plains, New York 10601-4150



Client No.
 T 94625-00001

5/29/07
 Mot in due
 6/22 respond due 6/25.
 Colleene M. McMahon
 JSD

MEMO ENDORSE

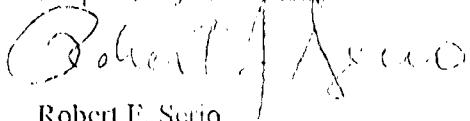
Re: *In re Vecco Instruments Inc. Sec. Litig.*, No. 7:05-MD-01695 (CM)(GAY)

Dear Judge McMahon:

I am counsel for Defendants in the above-referenced action. Counsel for Lead Plaintiff recently informed Defendants and Magistrate Judge Yannis that its accounting expert, Robert Berliner, intended to submit a supplemental expert report no earlier than June 8, 2007. In response, Magistrate Judge Yannis issued an Order earlier this afternoon (attached hereto) directing both sides to complete the deposition of accounting experts by June 19, 2007.

Under the current scheduling order, all motions in limine are due on June 1. Since a purpose of an expert deposition, of course, is to evaluate the potential for a motion in limine relating to the expert, Defendants respectfully request that the deadline for any motion in limine relating to Mr. Berliner be extended to one week after Mr. Berliner's deposition is taken.

Respectfully submitted,


 Robert F. Serio

Enclosure(s)

GIBSON, DUNN & CRUTCHER LLP

Honorable Colleen McMahon

May 25, 2007

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cc: Hon. George A. Yantpis (via facsimile)
Arthur Stock, Esq. (via e-mail)
Carole A. Broderick, Esq. (via e-mail)
Phyllis M. Parker, Esq. (via e-mail)
Shane T. Rowley, Esq. (via e-mail)
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May 22, 2007

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VIA FACSIMILE

Honorable George A. Yantpis
United States Magistrate Judge
United States Courthouse
800 Quarropas Street
Room 113
White Plains, New York 10601-4150Re: *In re: Veeco Instruments Inc. Sec. Litig., 05 MD 1695 (CM) (G.Y.)*

Dear Magistrate Judge Yantpis:

I am counsel to Defendants in the above-referenced action. I write to request reconsideration of Your Honor's ruling that the deposition of Lead Plaintiff's accounting expert, Robert Berliner, should go forward on May 30, 2007. Defendants were preparing a response to the May 21, 2007 letter of Carole Brodorick, counsel for Lead Plaintiff, on this issue when we received Your Honor's ruling. For the reasons stated, Ms. Brodorick's proposal to proceed with Mr. Berliner's deposition eight days before he provides a "supplementation" of his earlier report to give his opinion on facts that he has recently learned is contrary to the Federal Rules and prior orders of this Court requiring expert depositions to come after, not before, reports are served.

The background facts are as follows:

I spoke to Ms. Brodorick on May 17, 2007 concerning the possibility of scheduling Mr. Berliner's deposition on May 30, 2007. Ms. Brodorick informed me for the first time during this conversation that Mr. Berliner intended to submit a supplemental expert report on May 29, 2007. Ms. Brodorick did not propose, just as she states in her letter, "to testify to Defendants on May 29, if possible, ... and not get the subjects that would be addressed in a supplemental report, rather than the supplemental report itself." I informed Ms. Brodorick that Defendants likely

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